

07-O-1900

**AN ORDINANCE
BY COUNCILMEMBER KWANZA HALL
AS SUBSTITUTED BY PUBLIC SAFETY & LEGAL ADMINISTRATION
COMMITTEE**

**AN ORDINANCE TO AMEND CHAPTER 10, SECTIONS
10-1, 10-60(a)(1)(c) AND 10-129 OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA SO AS TO
PROVIDE NEW REQUIREMENTS FOR WINE TASTING
EVENTS TO BE HELD ON THE PREMISES OF LICENSED
WINE SPECIALTY SHOPS; TO REPEAL CONFLICTING
ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has promulgated ordinances governing the sale and consumption of alcoholic beverages as a means to promote the public safety and general welfare; and

WHEREAS, the State of Georgia also promulgates statutes and administrative regulation governing the sales and consumption of alcoholic beverages; and

WHEREAS, state law as well as city ordinances often regulate the consumption and sale of wine differently from the consumption and sale of beer and distilled spirits; and

WHEREAS, the State of Georgia as well as many other municipalities in metropolitan Atlanta recognize the unique value that wine specialty shops bring to the city and to the communities in which they are located; and

WHEREAS, throughout history, wine has held a special place in human customs, diets and social gatherings; wine even plays a role in our religious activities, as observants around the world use it in sacred ceremonies; and

WHEREAS, along with merrymaking, holiday events and spiritual ceremonies, in recent years, researchers have discovered that the moderate consumption of wine may promote heart health, reduce cholesterol and lower blood pressure; and

WHEREAS, local consumer interest in wine and demand for wines originating from all of the regions of the world has increased as Atlanta continues to become an international city; and

WHEREAS, wine tasting provides a dynamic, enjoyable experience based on a sensory and academic understanding of wine that is designed to inform, educate and inspire the general public on the subject of wines; and

WHEREAS, the art of “enology” or winemaking, and practice of “viticulture,” which is the study of grapes and their cultivation, have both become a cosmopolitan form of enlightenment, entertainment and learning that should be encouraged in the City of Atlanta; and

WHEREAS, the City Council has determined that it would be beneficial to foster the convivial and educational practice of organized wine tasting at licensed wine specialty shops in the City of Atlanta by authorizing such unique establishments to hold wine tasting events throughout the year.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

Section One: **That Chapter 10, Article 1 of the Code of Ordinances be amended by inserting the following additional language into Section 10-1, within the definition of “wine specialty shop” already provided therein:**

(1) Which shall deal in the sale of table wine, fortified wines, port, sherry for consumption off the premises and/or wine accessories; and at which on-premises consumption of alcoholic beverages is specifically prohibited, except that if a wine specialty shop is the holder of a license under Section 10-60(a)(1)(c) of this Code, that licensed retail establishment shall be authorized to hold wine tastings in conjunction with educational programs on the subjects of enology or viticulture.

Section Two: **That Chapter 10, Article 1 of the Code of Ordinances be amended by amending Section 10-60(a)(1)(c) to read as follows:**

(a)(1)(c) Retail dealer in wine to be consumed on or off the premises of the dealer, which shall be authorized to conduct wine tasting events at any time during the year.....\$2,362.50

Section Three: **That Chapter 10, Article 2 of the Code of Ordinances be amended by adding the following new sub-section to Section 10-129, which shall read as follows:**

(12) This section shall not apply to licensed wine specialty shops that hold an annual license pursuant to section 10-60(a)(1)(c) of this code.

Section Four: **To the extent that any ordinance is in conflict herewith, this ordinance shall control.**

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Section Three: **That Chapter 10, Article 2 of the Code of Ordinances be amended by adding the following new sub-section to Section 10-129, which shall read as follows:**

(12) This section shall not apply to licensed wine specialty shops that hold an annual license pursuant to section 10-60(a)(1)(c) of this code.

Section Four: **To the extent that any ordinance is in conflict herewith, this ordinance shall control.**

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WHEREAS, the City Council has determined that it would be beneficial to foster the convivial and educational practice of wine tastings at licensed wine specialty shops in the city of Atlanta

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

Section One: **That Chapter 10, Article 2 of the Code of Ordinances be amended by deleting the existing Section 10-129 in its entirety and inserting in lieu thereof the following:**

Section 10-129. Wine Tastings Held By A Retail Dealer in Wine.

In the operation of a wine specialty shop, as defined by Section 10-1, a licensed retail dealer in wine who has holds a license as provided by Section 10-60 (a)(1)(e), shall be entitled to engage in wine tasting events in accordance with the following:

1. Wine tastings may only be held on the licensed premises of the wine specialty shop.
2. The a licensed retail dealer shall hold a valid current wine license issued by the State of Georgia.
3. Wine tastings shall not be conducted at any premises where malt beverages are sold.
4. Wine tastings shall not be conducted in at any premises smaller than 1,500 square feet nor larger than 7,000 square feet.
5. Wine tastings shall not be conducted at any premises of a malt beverage and wine store operating in connection with a licensed retail liquor store, or at any location where distilled spirits are sold by the package..
6. Wine tastings may only be conducted in connection with a *bona fide* instructional or educational promotion designed to promote wine appreciation and education.
7. Wine tastings may be held no more frequently than two (2) days in any one calendar week; however no single wine tasting event shall exceed four (4) hours in duration on any one calendar day.
8. Only wines being offered for sale by the licensee at the wine specialty shop may be made available during a wine tasting.
9. All wines secured for tasting purposes shall be obtained by licensee through a retail or wholesale wine outlet.
10. Wine bottles shall be opened only by the licensee or an employee, and tasting samples shall only be poured by the licensee or an employee.
11. Customers attending a wine tasting shall not remove open containers of wine from the premises of the wine specialty shop
12. The licensee shall provide the Atlanta Police Department with a schedule of anticipated wine tasting events to be held at the wine specialty shop, to be submitted to the license

and permits unit on a quarterly basis by the first day of each of the months of January, April, July and October.

13. Wine tastings shall comply with all state statutes, state regulations, and ordinances of the city concerning alcoholic beverages, including but not limited to those dealing with hours of operation, age of persons in attendance, zoning and distance requirements.

Section Two:

To the extent that any ordinance is in conflict herewith, this ordinance shall control.